

CHAPTER 2. PROCEDURES FOR PLAT APPROVAL

2-1. General Procedures

1. *Review Procedures.* Before any land is subdivided, the owner of the property proposed to be subdivided, or an authorized agent, shall, upon payment of applicable fees as determined by the Planning Commission, apply for and secure approval of the proposed subdivision in accordance with the following procedures:
 - a. Discussion at a recommended pre-application conference of the subdivision requirements and procedures for the proposed project, and possible issues related to the development of the property.
 - b. Submittal of the concept plan prepared in accordance with Section 2-3 for Planning Commission review and the securing of required approvals from other public agencies and any affected utility districts and companies.
 - c. Submittal of development plan as described in Section 2-4.
 - d. Submittal of the final subdivision plat, prepared in accordance with Section 2-5, to the Executive Director for review and approval by the Development Review Committee in preparation for recording with the Register of Deeds.
2. *Classification of Subdivisions.* The Executive Director shall determine whether the application is a major subdivision, a minor subdivision, or a land partition. Neither a concept plan nor development plan shall be required when the proposed plan of subdivision for the property is deemed to be a partition and a development plan may not be required when the proposed plan of subdivision for the property is deemed to be a minor subdivision.
 - a. *Major Subdivision.* A division of land into two or more lots that include any of the following:
 1. A new or extended public street or street right-of-way, but not including future street alignments illustrated in a plan of resubdivision as required by Section 2-8.1.
 2. Improvement(s) within an existing street right-of-way, other than repair or construction of sidewalk(s) or other pedestrian connections required by these regulations, fire hydrants or other types of minor improvements necessary to serve the lots being created.
 3. A future public school site, park site, greenway corridor or open space site shown on an adopted plan.
 4. The dedication of a right-of-way or easement for construction of a public water or sewer distribution lines.
 5. Dedications, reservations, improvements, or environmental conditions that, in the opinion of the Executive Director with advice from reviewing agencies, require construction documents to be reviewed prior to final plat approval in order to insure the public health, safety, and welfare.
 - b. *Minor Subdivision.* A division of land where the conditions for *major subdivision* review, as set out in Section 2-1.2.a. are not present.
 - c. *Partition.* A division of land, fronting on an existing standard street and no new streets are proposed, creating not more than two lots and not requiring public facilities or public utility extensions. Partitions that require a variance or waiver from these regulations shall be deemed to be a minor or a major subdivision.
3. *Official Submission Date.* For the purpose of these regulations, the date the concept plan appeared on the Planning Commission Agenda, shall constitute the official submittal date of the plat at which the statutory period required in Sections 13-4-301

et seq., Tennessee Code Annotated, for formal approval or disapproval of the plat shall commence.

4. *Coordination of Zone Change Application with Subdivision Application.* It is the intent of these regulations that the review of a subdivision concept plan may be carried out simultaneously with the review of a zone change application made under the Zoning Code. In addition to the application required for the requested zone change, an application for subdivision may be submitted for a coordinated review.
 - a. *General Requirement.* Whenever a zone change is requested and development would require the subdivision of a tract, vacant or improved, into two or more lots or the consolidation of lots, the subdivision application may be considered simultaneously with the zone change application.
 - b. *Procedure to be Followed:*
 1. *Concept Plan Approval Required.* The application for concept plan approval shall be made on the forms required for a concept plan available from the Executive Director and shall include all information required of a concept plan as described in the Submittal Checklist available from the Executive Director. The Executive Director shall then coordinate and send the concept plan and zone change application submittals to the Planning Commission for concurrent review. The Planning Commission shall also, when applicable under the provisions of the Zoning Code, make such reviews of use, density, and bulk standards as are required under the zoning regulation.
 2. *Resubmission of Concept Plan if Major Revisions Required.* After completing its review of the zone change application and the concept plan, and approving, approving with conditions, or disapproving the concept plan, the Planning Commission shall forward its recommendations on the zone change application, including reviews of such use, density and bulk standards as it was required to make under the Zoning Code to the Metropolitan Council to approve, approve with conditions, or disapprove the zone change application. If the Metropolitan Council approved zoning requires major revisions to the concept plan as described in Section 2-3.5.b, the applicant shall resubmit the concept plan for Planning Commission approval. A rezoning and approved concept plan for a subdivision entitle the developer to make application for development plan approval, and subsequently, for approval of a major subdivision or for final plat approval of a minor subdivision.
 - c. *Relation to Specific Plan Districts (SP), Planned Unit Development (PUD), and Urban Design Overlay (UDO).* In submitting any SP, PUD, or UDO final subdivision plat for approval, the prior action of the Commission approving the final PUD or final UDO shall be sufficient concept plan approval. No separate concept plan submission shall be required provided all information required for concept plans are included upon the SP, PUD, or UDO drawings.
5. *Reserve Parcels.* Small parcels not conforming in size or shape with all regulations shall not be platted. All land within a tract proposed for subdivision shall be incorporated in lots, lands held in common, or public rights-of-way.

2-2 Approval Procedure for Partitions

1. *Procedure for Partitioning.* A partition may be accomplished in accordance with the following procedure:
 - a. Submission to the Secretary of the Commission of a final subdivision plat that shall be:

1. Made on forms available from the Executive Director and shall be accompanied by a fee as determined by the Planning Commission.
2. Provided in the form of an original plat of survey, signed and sealed by a Registered Surveyor containing all information described on the Submittal Checklist.
- b. Upon the determination by the Secretary that the final plat meets the provisions of these regulations in every respect, the Secretary may sign said plat on behalf of the Commission and release the same for recordation.
2. *Partitioning Large Tracts into Not More than Two Lots.*
 - a. *Two lots greater than five acres.* When partitioning a tract into two lots where each lot will be greater than five acres, no action by the Planning Commission is required if no public street or public utility extensions or a variance or waiver from these regulations are required.
 - b. *Two lots of less than five acres each.* When partitioning a tract into two lots of less than five acres each, the procedure outlined in Sections 2-2.1.
 - c. *One lot less than five acres and one lot greater than five acres.* When partitioning a tract into one lot less than five acres and one greater, the procedure outlined in Section 2-2.1 shall be followed except the plat drawing shall not require a detailed survey description of the lot greater than five acres unless the easements supporting the lot being created are granted within the tract in excess of five acres.

2-3 Concept Plan

1. *Concept Plan Pre-Application Conference.* Before preparing the concept plan for a subdivision, it is strongly recommended that the applicant schedule a concept plan pre-application conference. Procedures for requesting a pre-application conference are available from the Executive Director.
2. *Application Procedure and Requirements.* A request to subdivide the land shall be made by the owner of the land, or an authorized representative, by filing an application for approval of a concept plan with the Planning Commission.
 - a. *Application Requirements.* The application shall:
 1. Be made on forms available from the Executive Director and shall be accompanied by a fee as determined by the Planning Commission.
 2. Be accompanied by the concept plan and include all information described on the Submittal Checklist available from the Executive Director.
 3. For major subdivisions, be presented to the Executive Director at least six weeks prior to a regular meeting of the Planning Commission.
 4. For minor subdivisions and miscellaneous platting situations described in Section 2-9, be presented to the Executive Director at any time.
 - b. *Complete Applications Forwarded.* No application shall be accepted or forwarded to the Development Review Committee until all requirements of Section 2-3.2(a) are satisfied.
3. *Approval Procedures.*
 - a. *Staff Review and Determination of Subdivision Category.* The Executive Director shall initiate a review of the concept plan and any exhibits submitted in conformance with these regulations and shall determine whether the concept plan constitutes a major or minor subdivision as described under Section 2-1.2.

- b. *Development Review Committee.* A review shall be performed by the Development Review Committee. Representatives of the State, or Boards or Commissions may be included in the review as appropriate. The review shall be conducted in accordance with the published review schedule. The findings of the review process shall be presented to the Planning Commission.
 - c. *Published Review Schedule.* The published review schedule shall designate a meeting schedule for the Development Review Committee, a deadline for agency comments on concept plan completeness and compliance, a timeline for reporting results to the applicant and a deadline for applicant revisions to be resubmitted to the Planning Department. The revised concept plan shall be reviewed by the Development Review Committee. Once a concept plan is in compliance with all applicable regulations it shall be presented to the Planning Commission for consideration.
 - d. *Additional Procedures for Minor Subdivisions.*
 - 1. If the Executive Director determines under Section 2-1.2 that the concept plan constitutes a minor subdivision, the Executive Director may place the matter on the next available regular meeting agenda of the Development Review Committee.
 - 2. After the application is reviewed and deemed to be in compliance with all applicable regulations it shall be placed on the next available regular meeting agenda of the Planning Commission for formal approval, conditional approval or disapproval of the concept plan following a public hearing.
 - 3. Subsequent to an approval or conditional approval by the Planning Commission in Section 2-3.4(b), the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in these regulations.
4. *Process for Planning Commission Hearing*
- a. *Notice of Hearing.* Notice of hearing shall be given to all property owners within 300 feet of the applicant property. Properties owned by the applicant shall not be included in the distance measurement for public notice.
 - b. *Planning Commission Review and Decision.* After the Planning Commission has reviewed the concept plan, supplemental data, and the results of the administrative reviews, the applicant shall be advised of any required changes or additions. The Planning Commission shall approve, conditionally approve, or disapprove the concept plan within 30 days after the date of the regular meeting of the Planning Commission at which the application was first placed on the Planning Commission Agenda. A deferral of concept plan consideration requested by the applicant shall be deemed to be a waiver of the 30-day requirement.
 - c. *Failure of the Planning Commission to Act.* The failure of the Planning Commission to act upon a concept plan within the prescribed time shall be deemed approval of the plan. In such event, a Notice to Proceed shall be issued by the Secretary of the Planning Commission, upon demand, and the applicant may proceed to apply for development plan approval in the manner prescribed by Section 2-4. If no development plan is required, the applicant may proceed to final subdivision plat approval in the manner prescribed in Section 2-5. The applicant is cautioned that such default approvals shall not exempt a subdivision from compliance with the Zoning Code and other Metro Code provisions.
 - d. *Planning Commission Action.* After the Planning Commission approves, conditionally approves, or disapproves the concept plan, a letter containing the

- resolution of the Planning Commission shall be sent to the developer or owner with the date of approval, conditional approval, or disapproval. If a concept plan is disapproved, the Planning Commission shall state specific reasons for disapproval that shall be entered into the minutes of the meeting.
- e. *Thirty Days to Submit Revised Plans.* Any application that receives conditional approval from the Planning Commission shall be followed, within 30 days, by submission of revised plans, or the Commission's approval shall expire.
 - f. *Effective Period of Concept Plan Approval.* The approval of a concept plan of a minor subdivision shall be effective for a period of one year and the approval of a concept plan for a major subdivision shall be effective for two years from the date of Planning Commission Approval. Prior to the expiration of the concept plan approval, such plan approval may be extended for one additional year upon request and if the Planning Commission deems such extension appropriate based upon progress made in developing the subdivision.
 - g. *Reapproval for Expired Concept Plans.* Should concept plan approval expire for any reason, any submittal for Planning Commission reapproval may be, at the discretion of the Planning Commission, subject to current Zoning Code and Subdivision Regulations in effect at the time reapproval is sought.
5. *Revisions to Approved Concept Plans.* The applicant shall submit proposed revisions to the approved concept plan to the Executive Director. The Executive Director shall initiate a review of the proposed revisions to be performed by the Development Review Committee. For all revisions determined to be major revisions, Planning Commission approval shall be required.
- a. *Minor Revisions.* If the Executive Director, on the advice of the Development Review Committee deems the revision(s) to be minor, the Executive Director is authorized to approve the revisions to the concept plan. Minor revisions are insignificant shifts in street and open space locations, minor changes to lot size, minor changes to unit size and distribution of intensity not inconsistent with a final PUD or Overlay approval and its associated concept plan, if applicable; minor shifts in lot lines; and other changes which do not alter the general layout and intensity of the approved concept plan or have a significant impact on proposed or existing infrastructure.
 - b. *Major Revisions.* All other revisions, including revisions that are determined by the Executive Director, on the advice of the Development Review Committee, to constitute a public interest, shall be deemed to be major revisions. At the request of the applicant, any revised concept plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Executive Director. The Executive Director may, at his or her discretion or on the advice of the Development Review Committee, direct any revised concept plan to the Planning Commission. For all revisions determined to be major revisions, Planning Commission approval shall be required. The Planning Commission shall approve, conditionally approve, or disapprove the proposed major revision to the concept plan. Procedures for considering a major revision to a concept plan shall be the same as required for an initial application for concept plan approval.
 - c. *Failure of the Planning Commission to Act.* Failure of the Planning Commission to act in the prescribed time shall be deemed approval. The procedures contained in Section 2-3.4.c shall be followed.

2-4 Development Plan

1. *Application Procedure and Requirements.* The applicant shall file with the Executive Director a development plan application. The failure of the applicant to satisfy the requirements of this Section with full and correct information shall be cause for disapproval of a development plan.
 - a. *Application Requirements.* The application shall:
 1. Be made on forms available from the Executive Director and shall be accompanied by a fee as determined by the Planning Commission.
 2. Be accompanied by the development plan and include all information described on the Submittal Checklist available from the Executive Director.
 3. Be accompanied by one copy of any required construction plans. The applicant shall be responsible for providing construction plans to all applicable agencies.
 - b. *Complete Applications Forwarded.* No application shall be forwarded to the Development Review Committee until all requirements of Section 2-4.1.a are satisfied.
2. *Staff Review.* The Executive Director shall initiate an administrative review of the development plan by the Development Review Committee. Representatives of the State, or Boards or Commissions may be included in the review as appropriate. The review shall be conducted in accordance with the published review schedule. The purpose of the review shall be to verify that the required information has been submitted, all applicable regulations and standards have been met, and it complies with the approved concept plan. It shall be the responsibility of the applicant to ensure the accuracy, completeness, and construction feasibility of the development plan.
3. *Decision on Development Plan.* Upon completion of a review (see Section 2-4.2), the applicable approval procedure below shall be followed.
 - a. *Minor Revisions.* If the Executive Director, with the advice of the Development Review Committee, deems that the development plan shows no revisions or minor revisions to the concept plan as described in Section 2-3.5.a, and meets all the regulatory requirements, the Executive Director is authorized to approve the development plan on behalf of the Planning Commission. The Executive Director may direct a development plan to the Planning Commission according to the procedures of Section 2-4.3.b. At the request of the applicant, a development plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Executive Director.
 - b. *Major Revisions.* All other revisions, shall be deemed to be major revisions as described in Section 2-3.5.b. If the development plan contains major revisions to the approved concept plan, a revised concept plan along with the development plan shall be submitted to the Planning Commission for approval by the applicant in accordance with the published review schedule. The procedures contained in Section 2-3.5.b for major revisions to the approved concept plan shall be followed for any major revisions to the development plan.
 - c. *Failure of the Planning Commission to Act.* Failure of the Planning Commission to act upon a development plan submitted to them under Section 2-4.3 within 30 days after the official submission date (Section 2-1.3) shall be deemed approval of the plan, and in such event, a certificate of approval entitling the applicant to proceed shall be issued, upon demand, by the Chairman and Secretary of the Planning Commission. Caution should be exercised in that such default approval

shall not exempt the subdivision from compliance with the Zoning Code and other Metro Code provisions.

4. *Expiration of Development Plan.*

- a. Construction shall commence within two years after approval is granted, or the development plan shall expire.
- b. A major subdivision shall not be subject to development plan expiration when both of these conditions are met:
 1. The subdivision has been divided into two or more phases for final platting purposes, in compliance with Section 2-7.
 2. At least one of those phases has a final plat recorded with the Register of Deeds and has all public improvements bonded.
- c. Should development plan approval expire for any reason, any submittal for Planning Commission reapproval may be, at the discretion of the Planning Commission, subject to current Zoning Code and Subdivision Regulations in effect at the time reapproval is sought.

5. *New Information.* When new information related to the natural characteristics of the land is discovered during construction, the project engineer shall promptly advise the appropriate Metro agency of details of the found conditions, the impacts, and the modifications to the infrastructure which are to be made. Such found conditions may include, but are not limited to, the presence of sinkholes or other environmentally sensitive or geologic hazard areas. If the modifications to the development plan are determined to be major, as described in Section 2-4.3.b and the development plan no longer complies with the concept plan, Planning Commission approval shall be required for a revision to the concept plan to comply with the revised development plan based on the new information.

2-5 Final Subdivision Plat

1. *Application Procedure and Requirements.* The applicant shall file with the Executive Director an application for approval of a final subdivision plat. The final subdivision plat application shall:
 - a. Contain such information as described in the Submittal Checklist adopted by the Planning Commission.
 - b. Be made on application forms available from the Executive Director shall be accompanied by a fee as determined by the Planning Commission.
 - c. Include the entire subdivision, or section thereof, for which final approval is sought.
 - d. Be a reproducible record plat the size, material, and inking of which shall be as specified by the Register of Deeds. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence. Any shading placed on the plat face to add clarity shall not cover any words or figures.
 - e. Except for minor adjustments for field conditions, comply with the approved concept plan and development plan in street locations and the number of lots shall not vary more than five percent.
 - f. Be presented to the Executive Director at least six weeks prior to the regular meeting of the Commission at which the plat is to be considered.
 - g. Be accompanied, if the final plat contains open space, recreational facilities, or any portion of the site in common ownership, regardless of the method of

ownership, by the following documentation for approval by the Planning Commission and recording with the final plat:

1. Plans for improvement and maintenance of the open space or facilities located thereon.
 2. Articles of incorporation and bylaws of the homeowners' association or other legal entity charged with improving or maintaining the open space or facilities, where open space or facilities are to be deeded to a homeowners' association or similar organization acting on behalf of the joint owners of said property, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.
2. *Requirements for Improvements.* The Planning Commission may require that all improvements be installed and dedicated prior to the signing of the final subdivision plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, adequate performance bonds must be approved. The amount of any bond shall be established by the Executive Director based upon the recommendations of the applicable department or agency. The Executive Director shall require the applicant to indicate on the plat all streets and public improvements to be dedicated or reserved; and any other special requirements deemed necessary by the Executive Director in order for the subdivision plat to conform to the Major Street Plan, the General Plan, and the most recent, detailed plan for the area adopted by the Planning Commission.
3. *Staff Review.* The Executive Director shall initiate a review of the final subdivision plat and any exhibits submitted in conformance with these regulations.
- a. *Staff Review.* The review shall be performed by the Executive Director or the Executive Director may send it to the Development Review Committee. Representatives of the State, or Boards or Commissions may be included in the review as appropriate. The review shall be conducted in accordance with the published review schedule.
 - b. *Complete Application.* No application shall be considered for review or forwarded to the Development Review Committee until all requirements of Section 2-5.1 are satisfied.
4. *Decision on Final Subdivision Plat.* Upon completion of the staff review, the applicable approval procedure below shall be followed.
- a. *Minor Revisions.* If the Executive Director deems that the final subdivision plat shows no revisions or minor revisions to the concept and development plans as described in Sections 2-3.5.a and 2-4.3.a, and meets all the regulatory requirements, the Executive Director is authorized to approve the final plat of subdivision on behalf of the Planning Commission. The Executive Director may direct a final plat of subdivision to the Planning Commission according to the procedures of Section 2-5.4.b. At the request of the applicant, a final plat of subdivision shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Executive Director.
 - b. *Major Revisions.* All other revisions shall be deemed to be major revisions as described in Sections 2-3.5.b and 2-4.3.b. If the final subdivision plat contains major revisions to the approved development plan, a revised concept plan along with the development plan shall be submitted to the Planning Commission for approval by the applicant in accordance with the published review schedule. The

procedures contained in Sections 2-3.5.b for major revisions to approved concept plan shall be followed for any major revisions at the time of final plat of subdivision.

- c. *Failure of the Planning Commission to Act.* Failure of the Planning Commission to act upon a final subdivision under Section 2-5.4 within 30 days after the official submission date (Section 2-1.3) shall be deemed approval of the plat, and in such event, a certificate of approval entitling the applicant to proceed shall be issued, upon demand, by the Chairman and Secretary of the Planning Commission. Caution should be exercised in that such default approval shall not exempt the subdivision from compliance with the Metro Code requirements.
5. *Expiration of Final Subdivision Plat.* An approved Final Subdivision Plat shall expire if it is not recorded with the Register of Deeds within 180 days after the date of approval by the Planning Commission or Executive Director.
6. *Vested Rights.* No vested rights shall accrue to any plat by reason of concept plan, development plan, or final plat approval until the actual signing of the final plat by the Secretary of the Planning Commission and the recording of that plat with the Register of Deeds.

2-6 Recording of Plat

1. *Recording of the Plat.* When all conditions of approval have been met including all required certifications and signatures and the posting of any required bonds, the Secretary shall sign the plat on behalf of the Planning Commission. The applicant shall deliver to the Secretary a reproducible copy and a digital copy of the signed plat for recording with the Register of Deeds. The applicant shall reproduce the number of copies of the signed plat required for distribution to other Metro departments and Planning Commission record files. The applicant shall be responsible for any recording and reproduction fees. (See Appendix A for certificate detail.)

2-7 Phasing Major Subdivision Plats

1. *Phasing Major Subdivision Plats.* The Planning Commission may permit a subdivision that has been given concept plan approval to be divided into two or more phases for development plan and final platting purposes and may impose such conditions upon the filing of each phase, as it may deem necessary, to assure the orderly development of the subdivision. Each phase shall be bonded independently of the other phases, unless expressly stated otherwise.

2-8 Resubdivision of Land

1. *Procedure for Subdivision Where Future Resubdivision is Foreseen.* Whenever a parcel of land is subdivided, and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for the zoning district in which the lot is located, and the Planning Commission has reason to believe that such lots shall be resubdivided into smaller building sites, the Planning Commission shall require that the subdivision and development of such parcel of land allow for the future opening of streets by restricting building locations. A plan of resubdivision shall be depicted on the concept plan drawing unless the applicant can demonstrate that the need for such future street connection is unnecessary. The Planning Commission shall require that future dedications providing for the opening and extension of such streets be so indicated on the plat.

2-9 Miscellaneous Platting Situations

1. *Converting Parcels to Building Sites.* A land parcel created by deed or land parcel identified as a reserve parcel on a plat may be converted to a building site within the limits set forth by the Zoning Code and these regulations as follows:
 - a. A deed parcel may be converted to a building site by the procedure described in Section 2-2.1.
 - b. Reserve parcels may be converted to building sites by submittal of a plat drawing as described in Section 2-5. Removal of the reserve status shall require Planning Commission approval except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel.
2. *Combine Two or More Lots.* Any number of lots may be combined into an equal or lesser number of lots by submittal of a plat drawing as described in Section 2-5. The drawing shall show the original lot lines as dash lines and proposed lot lines as solid lines. Combining lots shall require an approval by the Executive Director. Any lots resulting from such recombination shall meet all applicable regulations.
3. *Shifting Lot Lines.* Shifting of lot lines is subject to the same procedures as described in Section 2-9.2. Shifting of lot lines within a Planned Unit Development shall require submittal of a document showing approval by the homeowners' association.
4. *Dedication of Right-of-way, Public Use Lands, or Easements.* The dedication of land or use of land for public purposes may be accomplished by one of the following methods, both of which require Planning Commission approval:
 - a. *Dedication by Plat.* A reproducible plat shall be prepared depicting the area to be dedicated by lines and survey description. The location of surrounding property lines, roads and public utilities shall be shown for reference. The placing of monuments and the location of such shall be shown on the plat. Signatory data shall also be included in the same manner as for a final plat. If the dedication is for a road right-of-way that, by the location of the dedication area, would divide a tract into two parcels, the plan shall be created as a final subdivision plat in conformance with Section 2-5.
 - b. *Dedication by Written Document (Deed or Instrument).* A written document in a form acceptable to the Metropolitan Department of Law may be used for dedications in lieu of a plat. The document shall contain the following minimum information:
 1. Statement of purpose for the dedication
 2. A narrative survey description of the area to be dedicated
 3. Conditions, if any imposed by Grantor
 4. The document shall contain the same signatory data as required for a final subdivision plat.